

IN THE
United States Circuit Court of Appeals
FOR THE NINTH CIRCUIT

BROWN-MEYER COMPANY, a Corporation
APPELLEE

vs.

CRYSTAL LAUNDRY COMPANY, a Corporation,
and PERCY G. ALLEN
APPELLANTS

Petition for Rehearing

JOSEPH L. ATKINS,
Counsel for Petitioner

Filed

SEP 20 1917

F. D. Monckton,
Clerk,



IN THE
United States Circuit Court of Appeals
For the Ninth Circuit

BROWN-MEYER COMPANY, a corporation,
Appellee,

v.

CRYSTAL LAUNDRY COMPANY, a corporation,
and PERCY G. ALLEN,
Appellants.

Petition for Rehearing

*To the Honorable, the United States Circuit Court
of Appeals for the Ninth Circuit:*

Appellee petitions for a rehearing and humbly shows: The decision of this Honorable Court inflicts great injustice. It allows a decree and damages for infringement by appellants upon appellee's patent from November 3 to December 1, 1914, but holds that the infringement was discontinued after December 1, 1914, and thereupon reverses the decree of the Court below.

This petition is presented mainly upon the ground that the holding that appellants' device was changed after December 1, 1914, contradicts the record in the case.

This case, as is set forth in the opinion of the Court, is a companion case before this Court with Broadway Towel Supply Company, et al., appellants, v. Brown-Meyer Company, appellee, No. 2971.

It involves the same facts and in the main the decision in this case must follow that in the companion case.

There is one point in this case not common to the companion case, namely, the question of infringement of the patent in suit by appellants in the use of a certain device subsequent to the interlocutory decree.

This Honorable Court holds as of course, in view of its decision in the companion case, that the last-named device does not infringe. Whether that view will be adhered to must wait upon the final decision.

Your petitioner, therefore, while basing this petition upon grounds set up in the companion case, prays nevertheless that a rehearing may be allowed upon all points.

Counsel for petitioner hereby certifies that in his judgment this petition is well founded and that it is not interposed for delay.

And your petitioner will ever pray.

BROWN-MEYER COMPANY,

Petitioner,

By JOSEPH L. ATKINS,

Counsel,